



THE CITY OF NEW YORK
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November 10, 2020

Via ECF

MEMO ENDORSED

The Honorable Colleen McMahon
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

OK, Conference adjourned to
1/22/2021 @ 11:45 a.m.
Colleen McMahon

Re: E.R., et al. v. N.Y.C. Dep't of Educ., Case No. 20 CV 4820 (CM)

11/12/2020

Dear Chief Judge McMahon:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, James E. Johnson, attorney for Defendant New York City Department of Education ("DOE") in the above-referenced action. I write, jointly with counsel for Plaintiffs, to respectfully request an adjournment of the initial pretrial conference from November 13, 2020 to the first week of January.

This action arises under the fee-shifting provisions of the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1415(i)(3). The Court's Individual Practices and Procedures specify that, in IDEA cases, the parties should not submit a case management plan in advance of an initial pretrial conference but should instead file a proposed briefing schedule for summary judgment motions. § IV(J). The parties have conferred, however, and are hopeful that this action can be resolved without such motion practice.

To that end and in the interest of judicial economy, the parties respectfully request that the initial pretrial conference be adjourned to the first week of January,¹ after DOE's deadline to respond to the Complaint has passed. The Court previously extended this deadline to

¹ Plaintiffs' counsel has another conference on January 7, 2021, at 3 p.m.

December 28, 2020. (ECF No. 12.) This additional time will allow the parties to make efforts to reach an amicable resolution of this action, and if those efforts are not fruitful, will allow the parties to propose an appropriate schedule for briefing any unresolved matters after DOE has responded to the Complaint.

This is the parties' first request for an adjournment of the initial pretrial conference.

Thank you for your consideration of this application.

Respectfully yours,

/s/ David S. Thayer

David S. Thayer

cc: ***Via ECF***
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